

1 D. Lee Roberts, Jr.  
2 Nevada Bar No. 8877  
3 Colby Balkenbush  
4 Nevada Bar No. 13066  
5 WEINBERG, WHEELER, HUDGINS,  
6 GUNN & DIAL, LLC  
7 6385 South Rainbow Boulevard - Suite 400  
8 Las Vegas, NV 89118  
9 (702) 938-3809  
10 [lroberts@wwhgd.com](mailto:lroberts@wwhgd.com)  
11 [cbalkenbush@wwhgd.com](mailto:cbalkenbush@wwhgd.com)

12 *Counsel for Defendants*

Philip D. Robben (*pro hac vice*  
forthcoming)  
James B. Saylor (*pro hac vice*  
forthcoming)  
KELLEY DRYE & WARREN LLP  
3 World Trade Center  
175 Greenwich Street  
New York, NY 10007  
Tel: (212) 808-7800  
[probben@kelleydrye.com](mailto:probben@kelleydrye.com)  
[jsaylor@kelleydrye.com](mailto:jsaylor@kelleydrye.com)

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 UNITED STATES ex rel. CMB  
16 EXPORT, LLC, a Texas limited  
17 liability company,

18 Plaintiff,

19 vs.

20 TONOPAH SOLAR ENERGY, LLC, a  
21 Nevada limited liability company,  
22 COBRA ENERGY INVESTMENT,  
23 LLC, a Delaware limited liability  
24 company, COBRA ENERGY  
25 INVESTMENT FINANCE, INC., a  
26 Delaware corporation, COBRA  
27 INDUSTRIAL SERVICES, INC., a  
28 Delaware corporation, COBRA  
THERMOSOLAR PLANTS, INC, a  
Nevada corporation, COBRA  
INSTALACIONES Y SERVICIOS  
S.A., a Spanish corporation, ACS  
SERVICIOS COMUNICACIONES Y  
ENERGIA, S.L., a Spanish corporation,  
COBRA CONCESIONES, S.L., and  
DOES 1 through 50, inclusive,

Defendants.

Case No. 2:20-cv-00196-JCM-MDC

**STIPULATION TO EXTEND  
TIME FOR DEFENDANTS TO  
RESPOND TO SECOND  
AMENDED COMPLAINT**

**(Second Request)**

1           **WHEREAS**, CMB Export LLC (“Plaintiff”) filed its initial complaint in this  
2 action on January 29, 2020 (*See* ECF No. 1);

3           **WHEREAS**, Plaintiff filed a First Amended Complaint on September 9, 2020  
4 (*See* ECF No. 9);

5           **WHEREAS**, the United States of America filed a Declination of Intervention  
6 on June 1, 2023 (*See* ECF No. 24);

7           **WHEREAS**, on January 4, 2024, the United States of America served on  
8 Plaintiff the Court’s order on the United States of America’s Declination of  
9 Intervention (*See* ECF No. 27);

10           **WHEREAS**, the Court granted the United States’ motion to unseal the case  
11 on January 24, 2024 (*See* ECF No. 30);

12           **WHEREAS**, Plaintiff filed a Second Amended Complaint on April 19, 2024  
13 against Defendants Tonopah Solar Energy, LLC, Cobra Energy Investment, LLC,  
14 Cobra Energy Investment Finance, Inc., Cobra Industrial Services, Inc., Cobra  
15 Thermosolar Plants, Inc., Cobra Instalaciones y Servicios S.A., ACS Servicios  
16 Comunicaciones y Energia, S.L., and Cobra Concesiones, S.L. (collectively,  
17 “Defendants”) (*See* ECF No. 39);

18           **WHEREAS**, on May 24, 2024, Plaintiff served the Second Amended  
19 Complaint on Defendants Tonopah Solar Energy, LLC, Cobra Energy Investment,  
20 LLC, Cobra Energy Investment Finance, Inc., Cobra Industrial Services, Inc., and  
21 Cobra Thermosolar Plants, Inc. (*See* ECF Nos. 50–54);

22           **WHEREAS**, on June 18, 2024, the Court granted the parties’ joint Stipulation  
23 to Accept Service and Extend Time for Defendants to Respond to Second Amended  
24 Complaint, thereby setting Defendants’ time to respond to the Second Amended  
25 Complaint as November 8, 2024 (*See* ECF No. 56);

26           **WHEREAS**, on November 7, 2024, the United States of America filed a  
27 Notice of Intervention and Motion to Dismiss Pursuant to 31 U.S.C. §§ 3730(c)(3)  
28 and 3730(c)(2)(A) (the “Government Motion”) (*See* ECF No. 61);

1       **WHEREAS**, in light of the Government Motion, Plaintiff and Defendants  
2 have agreed to a further continuance of Defendants' time to respond to the Second  
3 Amended Complaint to conserve resources of the Court, Plaintiff, and Defendants;

4  
5       **IT IS HEREBY STIPULATED AND AGREED**, by and between the  
6 undersigned counsel for Plaintiff and Defendants that:

- 7       • The current deadline for the Defendants who have been served to file an  
8 answer or motion in response to the Second Amended Complaint—November  
9 8, 2024—is vacated;
- 10       • All Defendants will file an answer or motion in response to the Second  
11 Amended Complaint within 30 days of the Court's resolution of the  
12 Government Motion, in the event the Government Motion does not result in  
13 dismissal of the case;
- 14       • Defendants agree to waive any challenge as to the sufficiency of Plaintiff's  
15 service of the summons and complaint. This waiver as to the sufficiency of  
16 service shall not be construed to extend to any other potential defense or  
17 objection, including but not limited to objections to personal jurisdiction or to  
18 venue. All other defenses are expressly preserved and may be asserted by any  
19 defendant in either its forthcoming answer or motion(s).

20       This is the Parties' second request for an extension of time to respond to the  
21 Second Amended Complaint and is made before the expiration of any deadline to  
22 answer or otherwise respond to the Second Amended Complaint by any Defendant.  
23 The requested extension is made in good faith and is not for purposes of delay.

1 DATED: November 8, 2024.

2  
3 LEWIS BRISBOIS BISGAARD & SMITH LLP

4  
5 By: /s/ John S. Poulos

6 John S. Poulos  
7 Nevada Bar No. 15085  
8 Timothy J. Nally  
9 admitted *pro hac vice*  
10 2020 West El Camino Avenue, Suite 700  
11 Sacramento, CA 95833  
12 (916) 564-5400

13 *Counsel for Plaintiff*

14  
15 KELLEY DRYE & WARREN LLP

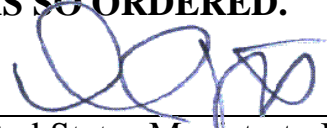
WEINBERG, WHEELER,  
HUDGINS, GUNN & DIAL, LLC

16 Philip D. Robben  
17 (*pro hac vice* forthcoming)  
18 James B. Saylor  
19 (*pro hac vice* forthcoming)  
20 3 World Trade Center  
21 175 Greenwich Street  
22 New York, NY 10007  
23 Tel: (212) 808-7800  
24 Facsimile: (212) 808-7897  
25 [probben@kelleydrye.com](mailto:probben@kelleydrye.com)  
26 [jsaylor@kelleydrye.com](mailto:jsaylor@kelleydrye.com)

By: /s/ Colby L. Balkenbush  
D. Lee Roberts, Jr.  
Nevada Bar No. 8877  
Colby L. Balkenbush  
Nevada Bar No. 13066  
6385 South Rainbow Boulevard  
Suite 400  
Las Vegas, NV 89118  
(702) 938-3809  
[lroberts@wwhgd.com](mailto:lroberts@wwhgd.com)  
[cbalkenbush@wwhgd.com](mailto:cbalkenbush@wwhgd.com)

27 *Counsel for Defendants*

28 **IT IS SO ORDERED.**



United States Magistrate Judge

Dated: 11/12/2024